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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/764,110	01/19/2001	Paul A. Puniello	20002.0015	8132
23517	7590	09/08/2004	EXAMINER	
SWIDLER BERLIN SHEREFF FRIEDMAN, LLP			LEE, EDMUND H	
3000 K STREET, NW			ART UNIT	
BOX 1P			PAPER NUMBER	
WASHINGTON, DC 20007			1732	

DATE MAILED: 09/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/764,110

Applicant(s)

PUNIELLO ET AL.

Examiner

EDMUND H. LEE

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 June 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 31-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 31-42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 31-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Puniello (USPN 6129881) in view of Dickson et al (USPN 2361348). In regard to claim 31, Puniello teaches the basic claimed process including a method of molding a golf ball (col 7, Ins 22-47; figs 6-9c); providing a core (col 7, Ins 22-47; figs 6-9c); providing a first and second mold plate that join to define at least one internal molding cavity for molding a golf ball layer (col 7, Ins 22-47; figs 6-9c); providing a first retractable pin in the first mold plate, wherein the pin comprises a free end for contacting the core and wherein the pin comprises two projections formed on its free end (col 7, Ins 22-47; figs 6-9c); placing the core between the pins so that the core is centered within the cavity (col 7, Ins 22-47; figs 6-9c); disposing the material in the cavity until the material covers the core and forms a layer (col 7, Ins 22-47; figs 6-9c); and solidifying the material of the layer such that the projections on the pin form corresponding depressions in the layer (col 7, Ins 22-47; figs 6-9c). It should be mentioned that Puniello does teach using at least two retractable sleeves to support the core (col 5, Ins 5-6). Puniello, however, does not teach a plurality of retractable pins in a first mold plate. Dickson et al teach a

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method of molding a golf layer upon a core (figs 1-10); using retractable pins at various positions within a mold plate, e.g., pins at the poles or pins around the core figs 1-10); and using pins whose tips forms depressions on the molded layer (figs 1-10). Puniello and Dickson et al are combinable because they are analogous with respect to using retractable pins to mold a golf ball layer upon a core. Even though Puniello teaches the preferential use of a pin at each pole, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use a retractable pin sleeve of Puniello at each pin location taught by Dickson et al (fig 6) in order to provide lateral and axial support to the core of Puniello during molding. In regard to claims 32 and 34, such are taught by Puniello (col 7, lns 22-47 and figs 6-9c). In regard to claim 35, such is taught by the above combined teachings of Puniello and Dickson et al. In regard to claims 33 and 36, Puniello does not teach using a core having at least one layer; and producing a cover having the claimed limitations of claim 36. In regard to using a core having at least one layer, such is a mere obvious matter of choice dependent on the desired final product and of little patentable consequence since it is not a manipulative feature or step of the claimed process. Further, multi-layered cores are well-known in the golf ball art. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use a multi-layered core in the process of Puniello in order to produce a golf ball having enhanced performance characteristics. In regard to producing a cover having the claimed limitations of claim 36, such is a mere obvious matter of choice dependent on the desired final product and of little patentable consequence to the claimed process since it is not a manipulative feature or step of the

claimed process. Further, golf ball covers having the claimed limitations are well-known in the golf ball art. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to produce a cover having the claimed limitations by the process of Puniello in order to provide a golf ball having enhanced performance characteristics.

3. Claims 37-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Puniello (USPN 6129881) in view of Dickson et al (USPN 2361348). In regard to claim 37, Puniello teaches the basic claimed process including a method of molding a golf ball (col 7, lns 22-47; figs 6-9c); providing a core (col 7, lns 22-47; figs 6-9c); providing a first and second mold plate that join to define at least one internal molding cavity for molding a golf ball layer (col 7, lns 22-47; figs 6-9c); providing a first vent pin in the first mold plate, wherein the pin comprises a free end for contacting the core and wherein the pin comprises two projections formed on its free end (col 7, lns 22-47; figs 6-9c); placing the core between the pins so that the core is centered within the cavity (col 7, lns 22-47; figs 6-9c); disposing the material in the cavity until the material covers the core and forms a layer (col 7, lns 22-47; figs 6-9c); and solidifying the material of the layer such that the projections on the pin form corresponding depressions in the layer (col 7, lns 22-47; figs 6-9c). It should be mentioned that Puniello does teach using at least two retractable/vent sleeves to support the core (col 5, lns 5-6). Puniello, however, does not teach a plurality of vent pins in a first mold plate. Dickson et al teach a method of molding a golf layer upon a core (figs 1-10); using retractable pins at various positions within a mold plate, e.g., pins at the poles or pins around the core figs

1-10); and using pins whose tips forms depressions on the molded layer (figs 1-10).

Puniello and Dickson et al are combinable because they are analogous with respect to using retractable pins to mold a golf ball layer upon a core. Even though Puniello teaches the preferential use of a pin at each pole, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use a retractable/vent pin sleeve of Puniello at each pin location taught by Dickson et al (fig 6) in order to provide lateral and axial support to the core of Puniello and more venting during molding. In regard to claims 38 and 40, such are taught by Puniello (col 7, lns 22-47 and figs 6-9c). In regard to claim 41, such is taught by the above combined teachings of Puniello and Dickson et al. In regard to claims 39 and 42, Puniello does not teach using a core having at least one layer; and producing a cover having the claimed limitations of claim 42. In regard to using a core having at least one layer, such is a mere obvious matter of choice dependent on the desired final product and of little patentable consequence since it is not a manipulative feature or step of the claimed process. Further, multi-layered cores are well-known in the golf ball art. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use a multi-layered core in the process of Puniello in order to produce a golf ball having enhanced performance characteristics. In regard to producing a cover having the claimed limitations of claim 42, such is a mere obvious matter of choice dependent on the desired final product and of little patentable consequence to the claimed process since it is not a manipulative feature or step of the claimed process. Further, golf ball covers having the claimed limitations are well-known in the golf ball art. Thus, it would have

been obvious to one of ordinary skill in the art at the time the invention was made to produce a cover having the claimed limitations by the process of Puniello in order to provide a golf ball having enhanced performance characteristics.

4. Applicant's arguments with respect to claims 31-42 have been considered but are moot in view of the new ground(s) of rejection.

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Giza (USPN 4959000) teaches using retractable pins at positions around the core as opposed to at the poles.

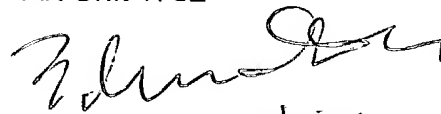
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to EDMUND H. LEE whose telephone number is 571.272.1204. The examiner can normally be reached on MONDAY-THURSDAY FROM 9AM-4PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Colaianni can be reached on 571.272.1196. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

EHL

EDMUND H. LEE
Primary Examiner
Art Unit 1732



9/7/09